

**AMENDMENTS TO THE DRAWINGS:**

Please find accompanying this response a replacement sheet for Fig. 1.

The drawing amendments properly show Figs. 1(A) and 1(B) by appropriate identifying legends in response to the objection to the drawings.

### REMARKS

Claims 1- 10 and 12-15 are now pending in this application. Claims 1-12 are rejected. New claims 13-15 are added. Claim 11 is cancelled herein. Claims 1, 2, 3, 7, 9 and 10 are amended herein to clarify the invention, to express the invention in alternative wording, to broaden language as deemed appropriate and to address matters of form unrelated to substantive patentability issues.

Applicants herein traverse and respectfully request reconsideration of the rejection of the claims and objection cited in the above-referenced Office Action.

The Examiner objects to the drawings under 37 C.F.R. § 1.83(a) for failing to show Fig. 1A, as described in the “Brief Description of the Drawings.” In addition, the Examiner avers that there is no description of Fig. 3A in the “Brief Description of the Drawings.” A replacement sheet containing Fig. 1A is appended hereto, and the specification is amended to include a description of Fig. 3A. Thus, reconsideration of the objection to the drawings and withdrawal thereof are earnestly solicited.

The abstract is objected to on the basis that it includes more than one paragraph and contains a reference to Fig. 3. A replacement abstract is provided herein on a separate page. It is submitted that the replacement abstract is in full conformance with 37 CFR 1.72 and MPEP 608.01(b). Therefore, reconsideration of the objection to the abstract is respectfully requested.

Claims 7 and 8 are rejected under 35 U.S.C. § 112, first paragraph, as not being enabled by the specification. Claim 7 is amended to positively recite elements which together enable the device to function as a claimed automatic analyzer, thus satisfying the enablement requirement. Therefore, reconsideration of the rejection of claims 7 and 8 is earnestly solicited.

Claims 2 and 10-12 are rejected as indefinite under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter of the invention as a result of informalities stated in the Office Action. The claims are amended to remove or correct the informalities noted in the Office Action. Therefore, reconsideration of the rejection of claims 2 and 10-12 and their allowance are earnestly requested.

Claims 1-8 are rejected under 35 U.S.C. § 102(b) as being anticipated by Anderson (US 3,586,484). Applicants herein respectfully traverse these rejections. “Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*” ***Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.***, 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added). It is respectfully submitted that the cited reference is deficient with regard to the following.

Claim 1 recites in pertinent part the following:

a separation cell; and

a determination cell, said separation cell and said determination cell being provided as discrete cells independently separate from one another in a same reaction disk maintaining both of said separation and determination cells each in an upright position even during rotation thereof, said separation cell including a structural configuration for preventing a suspension from flowing out during centrifugal separation, supernatant separated by said centrifugal separation from the suspension contained in the separation cell being dispensable to the determination cell to allow analysis of a target substance in the supernatant.

As such, claim 1 recites that the separation cell and the determination cell are provided as discrete cells independently separate from one another in a same reaction disk, and that both the separation cell and the determination cell is each maintained in an upright position even during rotation thereof. Applicants respectfully submit that neither of these two features is disclosed in Anderson.

As interpreted by the Examiner, Anderson is alleged to teach “separation cells having a plurality of interconnected chambers 12, 14, 16 therein, and a determination

cell (reaction cuvette 9) provided in the same reaction disk.” However, it is clear that the reaction cuvette 9 of Anderson, being equated by the Examiner with the claimed determination disk, is not a discrete cell independently separate from the separation cells since, as admitted in the Office Action at the bridging paragraph of pages 5 and 6, wherein it is stated that “Anderson also teaches that the separated supernatant in the separation cell is dispensed to the dertermination cell 9 through passageway 17 upon further rotation of the reaction disk.” Such interconnection is in direct contradiction to the claimed recitation requiring that the respective cells be separate and discrete.

Furthermore, the cells 12, 14, 16 in Anderson are all disposed at an angle relative to true vertical, and therefore cannot be said to be “upright” as claimed.

In view of the above, it is respectfully submitted that claims 1-8 particularly describe and distinctly claim elements not disclosed in the cited reference. Therefore, reconsideration of the rejections of claims 1-8 and their allowance are respectfully requested.

Claims 9-12 are rejected under 35 U.S.C. § 102(b) as being anticipated by Nilsson (US 5,472,671). Claim 11 is cancelled herein, rendering its rejection moot. Applicants herein respectfully traverse these rejections as pertaining to remaining claims 9, 10 and 12. It is respectfully submitted that the cited reference is deficient with regard to the following.

Claim 9 recites in pertinent part the following:

a cell having an interior including a lower part thereof defining an insoluble matter collection zone and an upper part thereof defining a supernatant separation zone, a horizontal cross sectional area of said supernatant separation zone being greater than a corresponding cross sectional area of said insoluble matter collection zone thereby creating a step between said supernatant separation zone and said insoluble matter collection zone; and

a lid being disposed at an upper part of the cell, said lid being positioned to only partially cover the cell so as to leave an opening through which the supernatant is withdrawable from above while preventing the suspension in the cell from flowing out during centrifugal separation, the cell being disposed in upright position relative to a rotational axis about which said separation cell is eccentrically revolvable, said upright position being maintained during said centrifugal separation.

Based upon the above recitations, the claimed invention includes a “lid being positioned to only partially cover the cell so as to leave an opening through which the supernatant is withdrawable from above while preventing the suspension in the cell from flowing out during centrifugal separation,” a feature not taught or suggested by Nilsson et al..

Applicants respectfully submit that the Examiner’s understanding of the invention disclosed in Nilsson et al. is incorrect, as the cuvette disclosed therein is rotated about an axis of rotation C shown in Fig. 1 and described at column 4, lines 33-43. Therefore, Fig. 1 is a plan (top) view in a direction of the axis of rotation, and Fig. 2 is a side view in which the axis of rotation would extend horizontally above the drawing, if it were to be depicted. Thus, the only structure that could possibly be considered analogous to the claimed lid would be the first wall 12 which forms the uppermost structure of the cuvette. And, as clearly described and shown, this structure entirely seals the cavities 16, 18 and 22 from above. This is in stark contrast to the claimed invention in which the lid only partially covers the cell.

Moreover, any steps formed between the cavities are formed horizontally, not vertically, as in the present invention.

In view of the above, it is respectfully submitted that claims 9-12 particularly describe and distinctly claim elements not disclosed in the cited reference. Therefore, reconsideration of the rejections of claims 9-12 and their allowance are respectfully requested.

Dependent claims 13-15 are added and are submitted as patentable over the cited art of record and are submitted as patentable based on the subject matter cited therein in addition to the subject matter of their respective base claims.


Applicant respectfully requests a two (2) month extension of time for responding to the Office Action. Please charge the fee of \$460 for the extension of time to Deposit Account No. 10-1250.

The USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

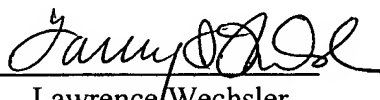


In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,  
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enc: Replacement drawing sheet containing Figs. 1A and 1B.